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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
08 APR - 1 '08 MU-0997

UNITED STATES OF AMERICA,

Plaintiff,

v.

Felix Noe GONZALES,

Defendant(s)

Magistrate Case No.

COMPLAINT FOR VIOLATION OF:

Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii)
Transportation of Illegal
Aliens

The undersigned complainant, being duly sworn, states:

On or about **March 31, 2008**, within the Southern District of California, defendant **Felix Noe GONZALES** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Luis Alberto AVILA-Lopez**, **Ana JUAREZ-Rosas**, and **Adaly De Jesus PAZ-Ortega** had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT

James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 1st DAY OF APRIL 2008.


Anthony J. Battaglia
UNITED STATES MAGISTRATE JUDGE

Felix Noe GONZALES

PROBABLE CAUSE STATEMENT

Furthermore, the complainant states that **Luis Alberto AVILA-Lopez**, **Ana JUAREZ-Rosas**, and **Adaly De Jesus PAZ-Ortega** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On March 31, 2008 at approximately 6:00 a.m., Border Patrol Agent C. Rodriguez was performing line watch duties in and around Boulevard, California in a marked agency vehicle and in full uniform. Agent Rodriguez was parked at the San Diego County Sheriff's Station on Ribbonwood Ave. and Old Highway 80 when he observed a white newer model Ford F-150 heading south bound on Ribbonwood Ave. The vehicle sped away south bound on Jewel Valley Road.

Approximately five minutes later, the vehicle returned north to the Old Highway 80 intersection and continued north to Ribbonwood Avenue. Jewel Valley Road is in close proximity to the United States/Mexico international border and is a known road used for smuggling. Agent Rodriguez followed the vehicle to the Interstate 8 east bound on-ramp and followed the vehicle on Interstate 8. Agent Rodriguez caught up to the vehicle to try and get a license plate and registration check however the vehicle had a dealership promotion plate. Agent Rodriguez suspected the vehicle might be involved in illegal alien transportation because use of a dealer promotion plate in a border area frequented by smugglers at 6:00 a.m. is conduct consistent with that of alien smuggling organizations. Agent Rodriguez notified dispatch that he was going to attempt a vehicle stop with his partner Agent Nunez just east of callbox 672. Agent Rodriguez activated his emergency lights and the vehicle initially failed to yield, at which point Agent Rodriguez activated his siren. The vehicle then pulled over to the shoulder on Interstate 8, east of Callbox 672 and continued driving slowly until it came to a complete stop.

Agent Rodriguez and Agent Nunez drove up behind the vehicle, exited their Border Patrol vehicle, and approached the vehicle. The F-150 then took off, veering onto and then off the Highway. The vehicle came to a stop with only the left rear tire on the pavement. The vehicle was on a steep downhill embankment and appeared to be unstable. Load drivers use this tactic so Border Patrol Agents have to attend to others in the vehicle allowing the driver to escape. Agent Rodriguez and Agent Nunez ran to the F-150 and observed three people run out the passenger side door. Agent Rodriguez and Agent Nunez began chasing the individuals south of the highway while calling other agents for assistance.

Agent J. Darby arrived in the area and encountered seven individuals standing outside of the truck. Agent Darby identified himself as United States Border Patrol Agent and questioned the individuals as to their citizenship. All seven individuals stated that they were citizens and nationals of Mexico and that they did not have any immigration documents allowing them to enter or remain in the United States. Agent Darby asked the individuals if they had just gotten out of the white F-150 and the all replied "Yes."

Agent M. Bouchard arrived in the area and followed the footprints of three individuals, Agent Bouchard encountered one individual, attempting to conceal himself in some brush. The individual, later identified as defendant **Felix Noe GONZALES**, told Agent Bouchard that he was a United States citizen. Agent Bouchard identified himself as a United States Border Patrol Agent and questioned the individual as to his citizenship and what he was doing hiding there. The defendant stated that he had been driving the white F-150, and that he was only giving them a ride. At 7:24 a.m., Agent Bouchard placed the defendant and the other six undocumented passengers under arrest and transported them to the Boulevard Station for processing.

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CONTINUATION OF COMPLAINT:
Felix Noe GONZALES

MATERIAL WITNESSES STATEMENTS:

Material witnesses **Luis Alberto AVILA-Lopez, Ana JUAREZ-Rosas, and Adaly De Jesus PAZ-Ortega** acknowledge that they are citizens and nationals of Mexico illegally present in the United States. They admit to entering the United States illegally. Material witnesses Adaly De Jesus PAZ-Ortega and Ana JUAREZ-Rosas stated that they were to pay \$1,800 (US) to be smuggled into the United States.